

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CHARLES WEINACKER,

Plaintiff,

vs.

WAHL CLIPPER CORPORATION,

Defendant.

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CIV. ACT. NO. 1:22-cv-314-TFM-MU

MEMORANDUM OPINION AND ORDER

On April 28, 2023, the Magistrate Judge entered a Report and Recommendation which recommends the *Defendant's Motion to Dismiss Amended Complaint and Incorporated Brief in Support* (Doc. 26, filed 12/30/22) be granted, this action be dismissed, but the Defendant's request for costs and attorneys' fees be denied. *See* Doc. 42. Plaintiff timely filed objections to which Defendant also timely responded. *See* Docs. 43, 45.

The Court reviewed Plaintiff's objections and notes that he also attached almost 200 pages worth of exhibits. However, ultimately, those objections do not overcome the well-reasoned analysis of the Magistrate Judge. Moreover, at times it seems more like Plaintiff is merely wholesale repeating his arguments and recitation of general legal principles instead of providing specific tailored objections to the Magistrate Judge's recommendation. Regardless, the Court reviewed the submission and finds the objections are due to be overruled.

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of this Court. Accordingly, *Defendant's Motion to Dismiss Amended Complaint and Incorporated*

Brief in Support (Doc. 26) is **GRANTED** to the extent this case is **DISMISSED with prejudice**.

However, the Defendant's request for costs and attorneys' fees are **DENIED**.

A separate judgment will be entered pursuant to Fed. R. Civ. P. 58.

DONE and **ORDERED** this 2nd day of August, 2023.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE